

POST-MCHM W.VA.

DEP wants public input on tank rules

By Ken Ward Jr.

Staff writer

State regulators have begun the process of seeking input from the public on rules to implement West Virginia's new chemical storage tank law, passed by lawmakers in response to the January leak of MCHM into the Elk River drinking water supply.

The Department of Environmental Protection has asked that "stakeholders" provide written comments before May 15, describing what they think the rules should say.

Agency officials plan to consider those comments, then draft a rule and hold an open public meeting "to discuss and debate" the draft prior to the formal rule-making process, which will include a sec-

ond opportunity for public comment and a formal hearing.

"We want as much input as people want to give," DEP Secretary Randy Huffman said Friday.

Under the new law (SB373), the DEP is required to write rules to implement a new chemical storage tank safety program. Lawmakers left many details of the new program — such as specific tank-integrity standards, permit fees and leak detection systems —

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up to the DEP. The agency is required to have those rules ready for lawmakers to review during the 2015 session.

The new law is aimed at preventing a repeat of the Jan. 9 leak at Freedom Industries, which contaminated the drinking-water supply of 300,000 residents in a nine-county region around Charleston. Among other things, the legislation contains new requirements for tank inspections. Under the law, the DEP also may specify categories of chemical storage tanks that do not have to obtain a permit under the new program, provided those tanks already are sufficiently regulated under another program.

On April 10, the DEP sent a "Dear Stakeholder" letter to various environmental and industry groups, seeking input on its first draft of the new rules.

"Because this will be a new program within [the] DEP, and because of the myriad of interests at stake, we are going to approach this rule differently than we do others," said the letter, signed by Huffman.

"First, we would like your input before we actually draft the rule. We would like for you to provide us with a list of things (in either bulleted list or paragraph form) you would like to see addressed in the rule and the way you would like to see them addressed," the letter said. "The DEP will use this

information, in addition to the information that will be provided on the tank registration forms, to prepare a first draft of the rule."

The letter asked that written comments be sent no later than May 15 to Scott Mandirola, director of the DEP's Division of Water and Waste Management, at the agency's headquarters, 601 57th St. S.E., Charleston, WV 25304.

The letter said the DEP hopes to finish drafting a rule by mid-July and send that version out to stakeholders for review and further comment.

"We will then schedule a stakeholders' meeting to discuss and debate the draft," the letter said. "You may submit written comments at any time during the process."

Agency officials will consider those comments, and then write an emergency rule to submit to the secretary of state no later than December.

"At that time, we will also put it out to public notice and comment, which includes a process by which the public can submit written comments, as well as a public hearing," the letter said.

Huffman said the agency plans to more broadly announce the stakeholder process, probably with a news release, in the near future.

"If you want to be a stakeholder, you can be a stakeholder," Huffman said. "We want it to be as open a process as possible."

Reach Ken Ward Jr.
at kward@wvgazette.com
or 304-348-1702.

The coal-cle
300,000 We



AP file photo

The coal-cleaning chemical Crude MCHM leaked from Freedom Industries' tank farm along the Elk River on Jan. 9, fouling the water for 300,000 West Virginians.

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